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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,800	11/06/2001	Victor Raso	BBRI-2006	7805
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Kevin M. Farrell			EXAMINER	
One New Hamp Suite 350	oshire Avenue		PATTERSON, CHARLES	HARLES L JR
Portsmouth, NH 03801			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)	_			
Charles L Patterson, Jr. 1652 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the MAILING DATE OF THIS COMMUNICATION 1.05(a), in no event, however, may a reply be timely filed self as the communication. If the period for reply specified above is less than thirty (30) days, rat period the communication of the period for reply specified above is the self-and thirty period vall against any and vall waights (31) (MANTHS from the mailing date of this communication. If the period for reply specified above is less than there mouths after the mailing date of this communication for the period of the communication, several timely filed, may reduce any search parties and period the adjustment. See 37 CFR 1.70(c) and the search of the communication, several timely filed, may reduce any search parties and period the adjustment. See 37 CFR 1.70(c) and the search of the communication, several timely filed, may reduce any search parties and period the communication. Status Status Status Status Status Sizes this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 37-106 is/are pending in the application. 4a) Of the above claim(s) 47-106 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 10) The drawing(s) filed on 16 November 2001 is/are: a a accepted or b objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, correcte			09/992,800	RASO, VICTOR				
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Applicant's election without traverse of Group I, claims 37-46 in Paper No. 12 is acknowledged.

Claims 47-106 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 12.

The disclosure is objected to because of the following informalities:

The first paragraph does not contain a reference to the parent application as required.

Appropriate correction is required.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 37-46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,582,945. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are apparently claiming the same antibody using different words. Page 45, line 2 through page 48, line 7 apparently shows that the vectorized antibody of the instant patent is the same as the bispecific antibody of the instant application.

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 37-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The instant specification teaches that an antibody was made using a statine analog of a transition state that would disaggregate preformed β -amyloid plaques and also had the ability to cross the blood-brain barrier. This would appear to be a hydrolytic cleavage of the β -amyloid as in claim 45. However, such an antibody has not been shown that was made using anything other that a statine analog or which has the ability to inhibit the formation of β -amyloid plaques. The process to form the plaques could well involve other processes that are not affected by the antibody. In any case the specification does not teach that the antibody will do this. Therefore, applicant have not taught one of ordinary skill in the art to make the antibody of the instant claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Patterson, Jr., PhD, whose telephone number is 703-308-1834. The examiner can normally be reached on Monday - Friday, 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 703-308-3804. The fax phone number is 703-308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Charles L. Patterson, Jr.

Primary Examiner Art Unit 1652

Patterson September 5, 2003